

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

*Fei Lon Yung v. Mentor Exempted Village School District Board of Education*  
*United States District Court, Northern District of Ohio, Eastern Division*  
*Case No. 1:17-cv-01241*

**TO:**

**All former and current hourly employees of Defendant Mentor Exempted Village School District Board of Education who received longevity payments and have worked over 40 hours in any workweek during the period [3 years from the filing of the Stipulation] through the present; and**

**All persons who worked as a full-time custodian of Defendant Mentor Exempted Village School District Board of Education during the period [3 years from the filing of the Stipulation] through the present.**

**RE: Mentor School District – Fair Labor Standards Act Collective Action Lawsuit**

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**PLEASE READ THIS NOTICE CAREFULLY**

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**I. INTRODUCTION**

The purpose of this Notice is to inform you of the existence of a collective action lawsuit and your option to elect to participate in the lawsuit.

You should be aware that this collective action lawsuit is in the early stages. The right to recovery is not established and is not certain. Your decision to participate in this lawsuit does not guarantee that you will receive money. Mentor Exempted Village School District (the “District”) denies that it has violated the law and denies it owes money to any current or former employees.

## **II. DESCRIPTION OF THE LAWSUIT**

On June 13, 2017, Fei Lon Yung started this lawsuit against the District on behalf of herself and the following classes of employees:

**All former and current hourly employees of Defendant Mentor Exempted Village School District Board of Education who received longevity payments and have worked over 40 hours in any workweek during the period [3 years from the filing of the Stipulation] through the present; and**

**All persons who worked as a full-time custodian of Defendant Mentor Exempted Village School District Board of Education during the period [3 years from the filing of the Stipulation], through the present.**

The lawsuit claims that Ms. Yung and certain other employees described above were not paid at the lawful overtime rate and/or were not paid all of their overtime. This lawsuit seeks liquidated damages in an amount equal to the alleged unpaid wages, including overtime, and attorneys' fees and costs.

The District denies Ms. Yung's allegations and asserts that it properly paid its employees under the Fair Labor Standards Act and the collective bargaining agreement it negotiated with the Mentor Classified Employees. The Court has not yet decided who will win the lawsuit.

## **III. RETALIATION PROHIBITED**

If you join this lawsuit, federal law prohibits the District from retaliating against you as a result of your participation.

#### **IV. DEFINITION OF THE CLASS**

Plaintiff seeks to sue on behalf of the following classes:

- 1. All former and current hourly employees of Defendant Mentor Exempted Village School District Board of Education who received longevity payments and have worked over 40 hours in any workweek during the period [3 years from the filing of the Stipulation], through the present; and**
- 2. All persons who worked as a full-time custodian of Defendant Mentor Exempted Village School District Board of Education during the period [3 years from the filing of the Stipulation], through the present.**

If you received a copy of this notice in an envelope specifically addressed to you, the District's records indicate that you may fit the above definition.

#### **V. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

You may join this lawsuit only if you meet the class definition above. If so, you can join this action by mailing your completed and signed "Consent to Join Form" in the self-addressed stamped envelope provided or by otherwise sending the "Consent to Join Form" to Plaintiff's counsel at Nilges Draher LLC, 7266 Portage Street, N.W., Suite D, Massillon, Ohio 44646.

You can also email the "Consent to Join Form" in a PDF document to Plaintiff's counsel at [hans@ohlaborlaw.com](mailto:hans@ohlaborlaw.com) or [sdraher@ohlaborlaw.com](mailto:sdraher@ohlaborlaw.com). You may also fax the "Consent to Join Form" to at 330-754-1430.

This form must be returned postmarked, faxed or emailed by **[forty-five days after notice is sent]**. If you fail to return the "Consent to Join Form" by **[forty-five days after notice is sent]**, you will not be able to participate in the lawsuit, and you will not be eligible to participate in any recovery (if any) that may be obtained by the lawsuit.

If you file a "Consent to Join Form," your continued right to participate in the lawsuit may depend upon later decisions by the Court concerning the appropriateness of a collective

action treatment and whether you are “similarly situated” to Ms. Yung and other participants and other matters.

#### **VI. EFFECT OF JOINING THIS SUIT**

If you join this lawsuit, you may be required to provide information about your employment at the District, answer written questions, produce documents, and/or testify at a pre-trial deposition or trial.

Further, if you join the lawsuit and the Court finds in favor of Plaintiff, you may be entitled to money recovery. However, if you join the lawsuit, and the Court rules in favor of the District, you will be entitled to no relief.

You will not be required to pay any of your legal fees unless Plaintiff is successful in this action. Plaintiff’s attorneys are being paid on a contingency fee basis, which means that, if there is a recovery, the attorneys will receive a percentage of any recovery obtained on your behalf or may seek to obtain a Court Order under which they may receive a fee through a separate payment by the District.

By joining this lawsuit, you are designating the attorneys identified in Section VIII to represent your interest. In addition, you agree that, as the named Plaintiff, Fei Lon Yung may make decisions on your behalf regarding this lawsuit, including the manner and method of conducting the suit. The decisions and agreements entered into by Ms. Yung will be binding on you if you join this lawsuit. Further, you will be bound by the judgment of the Court on all issues in this case, including the reasonableness of any settlement.

#### **VII. NO LEGAL EFFECT NOT JOINING THIS SUIT**

If you choose not to join this lawsuit, you will not be affected by any judgement rendered in this case, whether favorable or unfavorable.

**VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to join this lawsuit, your interests will be represented by Attorneys:

Hans A. Nilges  
Shannon M. Draher  
Michaela Calhoun  
**NILGES DRAHER, LLC**  
7266 Portage Street, N.W.  
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Massillon, Ohio 44646  
(330) 470-4429 (telephone)  
(330) 754-1430 (fax)  
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hans@ohlaborlaw.com

The District is represented in this action by Attorneys:

Mark S. Fusco  
Sara Ravas Cooper  
WALTER | HAVERFIELD LLP  
The Tower at Erieview  
1301 E. Ninth Street, Suite 3500  
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**THIS NOTICE HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT  
JUDGE OLIVER OF THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION. THE COURT HAS TAKEN  
NO POSITION REGARDING THE MERITS OF THIS LAWSUIT. PLEASE DO NOT  
CONTACT THE COURT REGARDING THIS NOTICE.**